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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,818	06/25/2003	Vidhu J. Nagpal	1778A1	9488

7590 09/20/2007
PPG Industries, Inc.
Law-Intellectual Property-39SW
One PPG Place
Pittsburgh, PA 15272

EXAMINER

KOPEC, MARK T

ART UNIT	PAPER NUMBER
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1751

MAIL DATE	DELIVERY MODE
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09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/602,818	Applicant(s) NAGPAL ET AL.	
	Examiner Mark Kopec	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-5, 7, 8, 11-14, 16-21, 25, 31-35, 37, 39-44, 46, 47, 50-53, 55-60, 65 and 66 is/are pending in the application.

4a) Of the above claim(s) 7, 8, 16-21, 31-35, 37, 39, 46, 47 and 55-60 is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-14, 25, 36, 40-44, 50-53, 65 and 66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This action is responsive to applicant's amendment/remarks filed 06/28/07. Claims 1-5, 7, 8, 11-14, 16-21, 25, 31-35, 37, 39-44, 46, 47, 50-53, 55-60, 65 and 66 are currently pending with claims 7, 8, 16-21, 31-35, 37, 39, 46, 47, and 55-60 withdrawn from consideration.

The IDS filed 06/04/07 has been considered. An initialed copy accompanies this action.

The prior art rejection(s) over Schmidt et al (5,910,522) and Garito et al (2003/0175004) are withdrawn in view of applicant's amendment and remarks.

The prior art rejection(s) over Kaminsky et al (2004/0233526) is withdrawn. The examiner respectfully maintains that the instant claims are accorded a priority date of 06/25/03 (the filing date of the instant application). The cited provisional application does not support the invention as now claimed. Specifically, the provisional application does not show possession of the claimed index of refraction values, optical article Markush group, or surface modifying limitations. However, Kaminsky does not disclose or fairly suggest the instantly claimed limitations regarding "...surface modifying chemical comprising a functionalizing agent and hydrophobizing agent".

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 11-14, 25, 36, 40-44, 50-53, 65 and 66 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Arney et al (6,432,526).

Arney discloses metal oxide particles capable of being highly dispersed in organic materials to form transparent colloids and creamers used in optical applications such as lenses (Abstract; Col 9, lines 54-64; claims 20-21). The metal oxide particles of the present invention have surfaces attached to a dispersing aid and a degree of crystallinity of greater than 55 percent. The reference specifically teaches surface treatments including both coupling agents and dispersing agents including hydrophobic segments (Col 3, lines 43-64; Col 6, lines 46-67). The crystallite diameter of the metal oxide particles is greater than about 4 nanometers and less than about 20 nanometers. The present invention also relates to the colloids and ceramers prepared using these metal oxide particles and the methods associated with the preparation of the particles, colloids, and creamers (Abstract). The oxide particles are used to increase the refractive indexes of transparent organic matrixes to great than about 1.6 (Col 1, lines 10-25; Col 2,

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lines 50-55; Col 4, lines 47-51). The size and amount of nanoparticles overlaps with the ranges instantly claimed (Col 8, lines 32-34; Col 9, lines 23-37). The reference specifically or inherently meets each of the claimed limitations.

The reference is anticipatory.

In the event that any minor modifications are necessary to meet the claimed limitations, such as selection of a particular carbonate resin or surface-functionalizing agent, such modifications are well within the purview of the skilled artisan.

Applicant's amendment (addition of cancelled species) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Kopec whose telephone number is (571) 272-1319. The examiner can normally be reached on Monday - Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/Mark Kopec/
Primary Examiner
Art Unit 1751

MK
September 15, 2007